

## CHAPTER 1245 Development Standards

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### CROSS REFERENCES

Prescriptive easements for water and sewer services - see Code of Va. § 15.2-2109.1  
 Regulations requiring subdividers or developer to share in cost of providing sewer and drainage facilities - see Code of Va. § 15.2-2242  
 Subdivision roll-back taxes - see B.R. & T. 848.055  
 Naming of streets - see S.U. & P.S. Ch. 1020  
 Street signs in planned developments and subdivisions - see S.U. & P.S. 1021.07  
 Addressing of premises - see S.U. & P.S. Ch. 1026  
 Water wells and systems - see S.U. & P. S. Ch. 1040 et seq.  
 Sewers - see S.U. & P.S. Ch. 1060 et seq.  
 Construction plans and profiles - see P. & Z. 1243.10  
 Coordination of streets - see P. & Z. 1243.11

#### 1245.00 APPLICATION OF CHAPTER.

The provisions of this chapter shall apply to subdivision and site plan applications filed pursuant to Chapters 1241 through 1244 of these Subdivision Regulations and to any other land use application as made applicable by proffer, condition or other requirements. Such development standards are supplemented by the provisions of the Facilities Standards Manual.  
 (Ord. 00-04. Passed 4-29-00.)

#### 1245.01 LOTS AND BUILDING AREAS.

(1) The lot area, width, depth, shape, orientation, yards and other lot requirements shall conform to the requirements of the Zoning Ordinance, and shall be such that all lots provide sites for homes or buildings conforming to these regulations.

- (2) Except where otherwise specifically provided for in these regulations or in the Zoning Ordinance, all lots shall front on an existing or recorded public street dedicated by the subdivision plat and maintained or designed and built to be maintained by the Virginia Department of Transportation.
- (3) Double frontage or reversed frontage lots should be avoided except where essential to provide separation of residential development from streets or to overcome disadvantages of topography.
- (4) No outlot shall be created except in accordance with the specific provisions of the Zoning Ordinance.  
(Ord. 00-04. Passed 4-29-00.)

#### 1245.02 PRIVATE ACCESS EASEMENT ROADS AND PRIVATE STREETS.

Any and all streets that are not constructed to meet the standards necessary for inclusion in the system of state highways will be privately maintained and will not be eligible for acceptance into the system of state highways unless improved to current Department of Transportation standards with funds other than those appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.

Private access easement roads designed and constructed in accordance with the Facilities Standards Manual may serve as frontage in lieu of public street for the following types of development lots;

- (1) Up to a maximum of seven (7) lots:
  - (a) Family subdivisions (See Chapter 1243).
  - (b) Structures contained in a Historic Site (HS) District (See Section 6-1800, Zoning Ordinance).
  - (c) Cluster subdivisions in the A-10, Low Density Rural District.
  - (d) Subdivisions in the A-10 Zoning Districts.
  - (e) Subdivisions utilizing the Rural Hamlet Option or Countryside Hamlet Option.
  - (f) Development in accordance with the provisions of the Rural Village Conservancy in the PD-RV District (See Section 4-1204, Zoning Ordinance).
  - (g) Lots created for use by LCSA, VDOT, municipal utilities, public utilities as defined in Section 56-232 of the Virginia State Code, or public service corporations, as defined in Section 56-1 of the Virginia State Code, and meeting the requirements of Section 5-621 (See Section 1-404(B)(2), Zoning Ordinance).

- (h) Divisions as defined in Chapter 1241 of this Ordinance in the AR-1 and AR-2 Zoning Districts.
- (2) Up to a maximum of 25 lots.
- (a) Subdivisions in the AR-1, AR-2, RR-1, and RR-2 Zoning Districts.  
(Ord. 00-04. Passed 4-29-00; Ord. 07-03. Passed 7-10-07.)

#### 1245.02.1 CLASS III ROADS.

Class III roads designed and constructed in accordance with the Facilities Standards Manual may serve as frontage in lieu of public streets for the development of lots in the A 10 Zoning District.  
(Ord. 00-04. Passed 4-29-00.)

#### 1245.02.2 PRIVATE ACCESS EASEMENT LOW DENSITY RESIDENTIAL DEVELOPMENT.

A looped private access easement designed and constructed in accordance with the Facilities Standards Manual may serve as frontage in lieu of a public street for the following types of development lots, up to a maximum of fourteen (14) lots, provided that a minimum distance of six hundred (600) feet is maintained between entrances on a Class I road: Low Density 25 Acre Residential Developments (See Section 5-701, Zoning Ordinance).  
(Ord. 00-04. Passed 4-29-00.)

#### 1245.03 REQUIRED IMPROVEMENTS.

The subdivider/developer shall make all improvements provided herein for record plat/final site plan approval. Such improvements shall be installed at the cost of the subdivider/developer and in compliance with the requirements of any or all plans and plats approved by the Commission, the Director, the Virginia Department of Transportation, the Loudoun County Sanitation Authority, the County Health Department, or any other applicable State or local agency. All improvements shall be designed and constructed in accordance with the specifications of the Facilities Standards Manual.  
(Ord. 00-04. Passed 4-29-00.)

#### 1245.04 MONUMENTS.

- (1) Monuments shall be placed in the ground at all corners, angles, and points of curvature in the subdivision boundaries, in the right-of-way lines of all streets and other public areas within the subdivision, and at all corners of all lots. Such monuments shall be of iron pipe rebar or suitable material and no less than eighteen inches in length.
- (2) The tops of all monuments shall be set no more than four (4) inches, nor less than one (1) inch, above the finished grade of the ground surface at their respective locations. Upon completion of subdivision streets, sewers, water lines, and other required improvements, the subdivider shall make certain that all required monuments are clearly visible for inspection and use.  
(Ord. 00-04. Passed 4-29-00.)

## 1245.05 STREET IMPROVEMENTS.

## (1) As to all street improvements:

- (a) The subdivider/developer shall lay out, grade, construct, and otherwise improve all streets designated on the approved plat or that directly serve the subdivision in accordance with the specifications in the Facilities Standards Manual and the standards of the Virginia Department of Transportation. For the purpose of this section, a street improvement shall be deemed to directly serve the subdivision or development when the need for such improvement is substantially generated by the proposed use.
- (b) The streets and roads shall be designed and constructed in accordance with the specifications of the Virginia Department of Transportation and the specifications of these regulations and the Facilities Standards Manual.
- (c) The roadways within and contiguous to any development shall be designed and constructed so as to ensure coordination with other existing and planned roads within the general area as to arrangement, character, extent, width, grade, location, and drainage. Existing and planned roads shall be deemed to include, without limitation, roads depicted in the General Plan and existing and planned roads and/or future adjacent subdivisions and contiguous to adjacent subdivisions.

## (2) As to half streets:

- (a) Half streets shall not be permitted except where such streets are essential to the reasonable development of the proposed subdivision/site plan in conformance with the other requirements of these regulations, and where the approving authority finds it will be practical to require the dedication of the other half of the street when the adjoining property is subdivided or developed.
- (b) When deemed essential for the development and construction of a half street when a subdivision/site plan abuts one side of any public street which is in the State highway system, the subdivider/developer shall be required to construct street improvements, storm drainage facilities, the pavement, curb and gutter, and the sidewalk on the one-half of such street abutting such subdivision as may be required by the approving authority, upon recommendation of the Virginia Department of Transportation.
- (c) Whenever a previously permitted half street is adjacent to a tract to be subsequently subdivided/developed the other half of the street shall be platted and dedicated as part of such subsequent application.

- (d) Half streets shall be constructed to no less than one-half the standard width for the appropriate right-of-way, as required by the Virginia Department of Transportation, for that street.
- (3) As to Class III roads and private access easements:
- (a) For any subdivision or development of a tract of land involving a Class III road, a private access easement, or other designated right-of-way which is to be privately maintained, the plats recorded for the subdivision or development and for each such lot therein shall contain the following note (i) and either note (ii) or note (iii) or both, as applicable:
    - (i) "The access serving this lot is private and its maintenance, including snow removal, is NOT a public responsibility."

For streets or roads which shall be constructed to a standard less than those set by the Virginia Department of Transportation (VDOT) for acceptance as part of the secondary system of state highways:

- (ii) The streets in this subdivision do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the County and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.

For streets or roads which are required to meet VDOT standards for design and construction but which are not intended for acceptance as part of the secondary system of state highways:

- (iii) The streets in this subdivision are not intended for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the County and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.
- (b) An agreement, in proper form, shall be recorded in the land records and reflected in the chain of title of each lot in order to set forth that the construction, repair, and maintenance of the roadway connecting such lot to the public road is not the responsibility of the County or the State and to set forth legally binding responsibilities for the parties who are responsible for construction, repair, and maintenance, including snow removal, and all pertinent details. The agreement shall

be between the owner of the lot, the contract purchaser, and other parties, if pertinent to the purpose of the agreement.

(Ord. 00-04. Passed 4-29-00; Ord. 05-05. Passed 6-16-05; Ord. 07-03. Passed 7-10-07.)

#### 1245.06 STREET NAME SIGNS AND ADDRESSES.

- (1) The subdivider/developer shall install, at his cost, traffic control devices and street signs showing the names of all street at all intersections. The signs and devices shall conform to the specifications of the Virginia Department of Transportation and with the provision contained in the Codified Ordinances of Loudoun County, as amended.
- (2) The subdivider/developer shall display on each primary building in the subdivision/development, the address(es) approved for such building in conformance with the provisions contained within the Codified Ordinances of Loudoun County, as amended. (Ord. 00-04. Passed 4-29-00.)

#### 1245.07 DRAINAGE.

When required by this Ordinance or other County ordinances, drainage systems shall be provided by means of culverts, ditches, catch basins, cross drains, curbs and gutters and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from or across all streets and adjoining properties. All drainage systems shall be designed and constructed in accordance with the specifications contained in the Facilities Standards Manual. (Ord. 00-04. Passed 4-29-00.)

#### 1245.08 WATER AND SEWERAGE FACILITIES.

Where public water supply and public sewerage systems are available or required by the Loudoun County Zoning Ordinance, such services shall be extended to all lots within a subdivision. All water supply and sewerage systems shall be designed and constructed in accordance with the specifications contained in the Facilities Standards Manual, and such systems shall meet all the regulations and specifications of the Loudoun County Sanitation Authority or other applicable Federal, State or local agency.

Where public water supply and public sewerage systems are not available or not required by the Loudoun County Zoning Ordinance, locations for a sewage disposal system and well approved pursuant to the provisions of Section 1245.11 shall be provided for each building lot in the subdivision. The groundwater source must be an approved source of supply reasonably calculated to be capable of furnishing the needs of the eventual inhabitants of the subdivision.

Any sewerage system, sewage disposal system, water supply or well shall be designed to serve the proposed use and shall conform to all applicable Federal, State and local regulations. (Ord. 00-04. Passed 4-29-00.)

#### 1245.09 TREE PRESERVATION.

All subdivision and site plans shall be designed to encourage the preservation of existing trees. A Tree Preservation/Landscape Plan shall be developed in accordance with the Zoning Ordinance using criteria contained in the Facilities Standards Manual.  
(Ord. 00-04. Passed 4-29-00.)

#### 1245.10 UTILITY EASEMENTS.

- (1) Easements for utilities shall be provided and delineated on the record plat in the location and to the width designated by the approving authority after receiving recommendations from the agencies responsible for the installation of the same.
- (2) In appropriate cases as determined by the Director, common or shared easements may be conveyed to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone, and electric service to the proposed subdivision. Any such easements, the location of which shall be adequate for use by the public service corporations which may be expected to occupy it, may be conveyed by reference on the record plat, and in the deed of dedication to which the plat is attached, to the Deed Book and page number of a recorded Declaration of the terms and conditions of such common easement agreed to by such franchised cable television operators furnishing cable television or such public service corporations provided that such Declaration has been recorded among the Land Records of Loudoun County. Any such proposed conveyance of common or shared easements shall be subject to the Director's determination of whether or not the recorded Declaration achieves the purposes of this Ordinance and complies with any applicable design requirements of the Facilities Standards Manual. The failure of any such franchised cable television operator to agree to the terms and conditions set out in such Declaration shall not defeat or impair any such common easement conveyance.
- (3) All utility easements and the installation of utilities shall be in conformance with the specifications contained in the Facilities Standards Manual.  
(Ord. 00-04. Passed 4-29-00.)

#### 1245.11 ON-SITE SEWAGE DISPOSAL SYSTEMS.

No preliminary plan of subdivision shall be approved where a well and/or sewage disposal system is to be provided for each building lot in the subdivision, until written approval of proposed locations for such systems has been secured from the Health Director. Such approved locations shall be shown to scale on the preliminary plan and on the record plat.

The Health Director, or his designee, shall review and approve or deny the applicant's proposal for wells and sewage disposal systems and shall advise the Commission of his Findings. The groundwater source must be an approved source of supply reasonably calculated to be capable of furnishing the needs of the eventual inhabitants of the subdivision. The Health Director, or his designee, may require geotechnical or other tests to determine the suitability of the soil for subsurface disposal; and may require hydrogeologic or other tests to determine the adequacy of the groundwater supply for the proposed use or uses. Hydrogeologic tests shall be in conformance with Section 6.600 of the Facilities Standards Manual, which is incorporated herein by reference. Geotechnical, hydrogeologic and/or other tests shall be the responsibility of the developer, with supervision by the Health Director.

Any proposed lots which have been completely tested and do not meet Health Department requirements may be approved with a note similar to the following placed on the plat:

"NOTE: This lot is not considered to be approved as a building lot as it is unsuitable for the installation of an on site sewage disposal system and/or individual water supply under the current standards of the Loudoun County Health Department."  
(Ord. 00-04. Passed 4-29-00.)

#### 1245.12 CONSTRUCTION RESPONSIBILITIES.

When construction begins, the subdivider and/or the contractor shall have available on the property at all times a clearly readable copy of all approved plans and specifications.  
(Ord. 00-04. Passed 4-29-00.)

#### 1245.13 RECORD DRAWINGS.

Upon the satisfactory completion of the installation of the required improvements shown on the approved site plan or construction plan and profiles, whichever is applicable, the developer shall submit to the Director copies of the completed record drawings. Such shall be submitted at least one (1) week prior to the anticipated occupancy of any building for the review and approval by the Director for conformance with the approved site plan and the ordinances and regulations of the County and State agencies.

The approval of the final site plan or the installation of the improvements as required in this Ordinance shall in no case serve to bind the County to accept such improvements for maintenance, repair or operation thereof. Such acceptance shall be subject to the County and/or State regulations, where applicable, concerning the acceptance of each type of improvement.

The final bond shall not be released until after the approval of the record drawings plan.  
(Ord. 00-04. Passed 4-29-00.)

#### 1245.14 AGREEMENTS AND SURETY.

All public improvements required by these regulations or as a contingency to approval of a record plat or final site plan for development or subdivision as platted shall be installed therein and thereon at the expense of the subdivider or developer. Pending such actual installation thereof, the subdivider/developer shall execute and file with the Department an agreement and surety (or agreements and sureties) unless waived by the Director in accordance with the provisions for such waiver as specifically set forth in the Bonding Policy. Such agreement and surety shall conform to the said Bonding Policy which is set forth in the Facilities Standards Manual.  
(Ord. 00-04. Passed 4-29-00.)